Broadly speaking, park uses are those which promote popular enjoyment and recreation. Public comfort, convenience, and pleasure, with due regard for the aesthetic, are the most general characteristics of park uses. Clearly, public administration buildings, public schools, and all private uses, are not park uses. But a free library and out buildings,[5] monuments,[6] a racetrack (leased to private parties for upkeep and partial public use),[7] a hotel and restaurant,[8] and a park superintendent's dwelling,[9] have been held to be park uses. On the other hand, streets,[10] public highways, a high boundary wall obstructing view of abutting owners,[11] public school buildings, [12] county court house, [13] town hall, [14] city hall with jail in basement,[15] church,[16] fire-bell tower,[17] cemetery[18] and military barracks or hospitals[19] are held not to be park uses. The court in the principal case intimates that the public may properly be excluded from a portion of the park, as from a power house, for the purpose of promoting the enjoyment of the rest of park; but the mere convenience of the park administration is not sufficiently important to justify the erection of a garage such as the one in question.

O. F. M.

EMINENT DOMAIN: UNITY OF PROPERTY: EFFECT OF SEPARATION OF DIFFERENT PARCELS OF LAND BY A PUBLIC HIGHWAY.—In the case of *City of Oakland v. Pacific Coast Lumber and Mill Company*,[1] it was decided that lands separated by a public street may be considered as a whole in assessing damages in eminent domain, if the parcels are used for the same purpose, the use here being that of a milling plant, i. e., a planing mill and lumber

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[5] Spires v. Los Angeles (1906), 150 Cal. 64, 87 Pac. 1026; Atty. Gen'l v. Sunderland (1875), L. R. 2 Ch. Div. 634.

[6] Parsons v. Van Wyck (1900), 56 App. Div 329, 67 N. Y. Sup. 1054; Hoyt v. Gleason (1892), 65 Fed. 685; Hartford v. Maslen (1904), 76 Conn. 599, 57 Atl. 740.

[7] Bryant v. Logan (1904), 56 W. Va. 141, 49 S. E. 21.

[8] Gushee v. City of N. Y. (1899), 26 Misc. Rep. 287, 56 N. Y. Sup. 1002, affirmed in 42 App. Div. 37, 58 N. Y Sup. 967.

[9] State ex rel. v. Brown (1910), 111 Minn. 80, 126 N. W. 408.

[10] Price v. Thompson (1871), 48 Mo. 361; Pickett v. Town of Mercer (1904), 106 Mo. App. 689, 80 S. W. 285; Mulvey v. Wangenheim (1913), 23 Cal. App. 268, 137 Pac. 1106.

[11] Wheeler v. Bedford (1886), 54 Conn. 244, 7 Atl. 22.

[12] Rowzee v. Pierce (1898), 75 Miss. 846, 23 So. 307; but see Reid v. Edina Bd. of Education (1880), 73 Mo. 295.

[13] McIntyre v. Bd. of Com'rs (1900), 15 Colo. App. 78, 61 Pac. 237.

[14] Princeville v. Auten (1875), 77 Ill. 325.

[15] Church v. Portland (1889), 18 Ore. 73, 22 Pac. 528.

[16] Trustees M. E. Church v. Hoboken, supra, note 2.

[17] Town of Union v. Fessler, supra, note 3.

[18] Comm. v. Alburger (1836), 1 Whart. 469.

[19] Appeal of Meigs (1869), 62 Pa. (12 P. F. Smith) 28, 1 Am. Rep. 372.

[1] (July 28, 1914), 19 Cal. App. Dec. 177. Rehearing granted by Supreme Court, Sept. 26, 1914.

yard. Although it has been decided in Cailfornia that contiguous lands may be considered as a whole for this purpose,[2] this is the first application in this state of the principle to lands physically separated. That this view is in conformity with the numerous authorities on the subject can hardly be controverted.[3] The test, however, as to whether or not such lands may be considered as one, has been repeatedly held to be whether or not they are in fact used for the same purpose.[4] When this is true, the doctrine may be applied to a farm, the parts of which are divided by one or more highways,[5] or by one or more railroads.[6] As to the latter, however, it may be said that there is a minority view that where the railroad has a fee in the land, the parts are separate holdings,[7] and some courts base their decisions that the lands are a unit on the fact that there exists a statutory duty on the part of the railroads to construct crossings between the parcels.[8] So too, where a canal divides the property, the parts being joined by a bridge, it is considered to be a single tract.[9] Where two parcels of land are separated by an intervening tract owned by another party, but are connected by a way and used for a single purpose, they are considered as a unit.[10] In the case of lands separated by a river, whether they are used together for the same purpose depends largely upon whether they are physically connected or not so as to render such use practicable.[11] Land which has been subdivided upon a map into lots, blocks, and streets, but which is in fact owned by one party and used together for one purpose

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[2] So. Pac. R. R. Co. v. Hart (1906), 3 Cal. App. 11, 84 Pac. 218.

[3] Lewis, Eminent Domain, 3rd ed., §§ 698, 699; 15 Cyc. 729; Elliott, Roads and Streets, 3rd ed., §§ 288, 289; Elliott, Railroads, 2nd ed., § 9924.

[4] Sharp v. United States (1903), 191 U. S. 341, 48 L. Ed. 211, 24 Sup. Ct. Rep. 114, affirming 112 Fed. 893, 50 C. C. A. 597, 57 L. R. A. 932; St. Louis, etc. R. R. Co. v. Aubuchon (1906), 199 Mo. 352, 97 S. W. 867, 9 L. R. A. (N. S.) 426, 116 Ann. St. Rep. 499, 8 Ann. Cas. 822; Peck v. Superior Short Line Ry. Co. (1887), 36 Minn. 343, 31 N. W. 217.

[5] One highway: Speck v. Kenoyer (1905), 164 Ind. 431, 73 N. E. 896; State ex rel. Biddle v. Superior Court (1906), 44 Wash. 108, 87 Pac 40. More than one: St. Louis, etc. R. R. Co. v. Drummond R. & I. Co. (1907), 205 Mo. 167, 103 S. W. 977.

[6] One railroad: Rudolph v. Penn. etc R. R. Co. (1898), 186 Pa. St. 541, 40 Atl 1083, 47 L. R. A. 782; Missouri, etc. R. R. Co. v. Schmuck (1909), 79 Kan. 545, 100 Pac. 282. More than one: Cook v. Boon Suburban El. Ry. Co. (1904), 122 Ia. 437, 98 N. W. 293.

[7] Kansas City, etc. Ry. Co. v. Littler (1905), 70 Kan. 556, 79 Pac. 114.

[8] In re Lehigh Val. R. R. Co. (1910), 78 N. J. L. 699, 76 Atl. 1067.

[9] Cameron v. Pittsburgh, etc. R. R. Co. (1893), 157 Pa. St. 617, 27 Atl. 668, 22 L. R. A. 443; In re Boston, etc. Ry. Co. (1884), 31 Hun. 461.

[10] Westbrook v. Muscatine, etc. R. R. Co. (1901), 115 Ia. 106, 88 N. W. 202.

[11] St. Louis, etc. R. R. Co. v. Aubuchon, supra, note 4.

is considered as constituting one tract.[12] City streets or alleys intervening, do not destroy the unity.[13]

An interesting state of facts is where one parcel has been used for a certain purpose, and another has been acquired with an intention of using it in the future for the same purpose. There it has been held that the doctrine will not apply unless the property was actually used as a unit at the time the action was begun.[14] We submit, however, that this ruling is not in accordance with the doctrine that future uses to which land sought to be condemned is adaptable may be considered in awarding damages.[15] A contrary rule would give a truer measure of damages, and exceptions could be made of the cases of fraud, and where the owner's intention to use the land for a single purpose is merely an "idle dream".[16]

C. W. S.

EQUITY: CONTEMPT: PROCEEDINGS FOR INTERFERENCE IN FOREIGN JURISDICTION WITH LOCAL RECEIVER.—As a result of the basic principle underlying the law of receivership, that a receiver is an officer of the court appointing him and his possession that of the court,[1] it is accepted law that such court may, in a proper case, punish as contempt unauthorized interference with the receiver's possession.[2] *In Strain et al v. Superior Court of Los Angeles County*[3] the facts were these: a receiver, appointed for the property of a development company in Imperial County, in an action pending in that county (subsequently transferred to Los Angeles County), took possession not only of the company's waterworks in the first-named county but also of canals in Mexico, which, though not owned by the company, were operated in connection with its structures as an integral part of one continuous diverting and distributing system, so that water, appropriated by the company from the Colorado River, flowed through the company's canals to the international boundary whence it was conducted by the Mexican canals back again to the American line

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[12] Scott v. Donora, etc. R. R. Co. (1909), 222 Pa. 634, 72 Atl. 282; Alabama Cent. R. R. Co. v. Musgrove (1910), 169 Ala. 424, 53 So. 1009.

[13] Streets: Union Elevator Co. v. Kansas City, etc. R. R. Co. (1896), 135 Mo. 353, 36 S. W. 1071; Chapman v. Oshkosh, etc. R. R. Co. (1873), 33 Wis. 629. Alleys: Hannibal Bridge Co. v. Schaubacher (1874), 57 Mo. 582.

[14] White v. Metropolitan, etc. R. R. Co. (1894), 154 Ill. 620, 39 N. E. 270; Sharp v. United States, supra, note 4.

[15] Boom Co. v. Patterson (1878), 98 U. S. 403, 25 L. Ed. 206, Sup. Ct. Rep.; St. Louis, etc., R. R. Co. v. Continental Brick Co. (1906), 198 Mo. 698, 96 S. W. 1011.

[16] See Sharp v. United States, supra, note 4; St. Louis, etc. R. R. Co. v. Aubuchon, supra, note 4.

[1] Adams v. Woods (1857), 8 Cal. 306, 316; Pomeroy, Eq. Rem., 3rd ed., § 62.

[2] Pomeroy, Eq. Rem., 3rd ed., § 163.

[3] (July 6, 1914), 48 Cal. Dec. 92, 142 Pac 62.